

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

PETER J. SMITH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2:23-cv-192-RAH-JTA
	)	(WO)
ADRIAN, both as an individual and as an	)	
employee of Circle K Inc.,	)	
	)	
Defendant.	)	

**ORDER**

Upon consideration of Plaintiff Peter J. Smith's motion for leave to proceed *in forma pauperis* (Doc. No. 6), it is hereby

ORDERED that the motion for leave to proceed *in forma pauperis* (Doc. No. 6) is GRANTED.


It is further ORDERED that the Clerk of Court is DIRECTED to defer service of process on the defendant(s) until further order of the court, following the court's § 1915(e) review of the plaintiff's complaint.

As to the present status of this case, no additional action is required of the plaintiff at this time. As noted above, because plaintiff has requested leave to proceed *in forma pauperis*, the court is required to undertake a review of plaintiff's complaint pursuant to the provisions of 28 U.S.C. § 1915(e). In doing so, the court will assume that all of plaintiff's factual allegations are true.

If the plaintiff's complaint survives a § 1915(e) review, the next step is not a trial on the merits. All civil lawsuits before this court must proceed in accordance with the Federal Rules of Civil Procedure and the Local Rules of the U.S. District Court for the Middle District of Alabama. This case is early in the procedural process. If plaintiff's claims pass muster under § 1915(e), the defendant(s) will be served with a summons and a copy of the complaint, and allowed a period of time to file an answer or motion to dismiss in accordance with Federal Rule of Civil Procedure 12. If the court rules in plaintiff's favor on any Rule 12 motion to dismiss, should such a motion be filed, the parties must meet and formulate a proposed schedule for discovery and the disposition of this case, and the court will enter a scheduling order. *See* Fed. R. Civ. P. 16 & 26(f). The parties are then entitled to a period of discovery. Following discovery, the parties will be given a deadline to file dispositive motions – *e.g.*, motions for summary judgment. *See* Fed. R. Civ. P. 56. After the court rules on any such motions, and if any of a plaintiff's claims remain pending, a pretrial hearing will be held in advance of a trial.

No additional pleadings or filings are necessary to a determination of the issues before the court at this time, and plaintiff will be informed of any action undertaken by the court. Plaintiff is further advised that the instant action is pending on the court's docket along with numerous other actions filed both before and after the present lawsuit was filed. A decision will be rendered in due course as the court's schedule permits.

DONE this 8th day of September, 2023.

  
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JERUSHA T. ADAMS  
UNITED STATES MAGISTRATE JUDGE